

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WAYNE PAUL BURKETT,)	
)	
Plaintiff,)	Civ. A. No. 3:11-cv-37
)	
v.)	Judge Kim R. Gibson
)	Chief Magistrate Judge Lisa Pupo
CAROL A. NEWMAN,)	Lenihan
)	
Defendant.)	ECF No. 9
)	

MEMORANDUM ORDER

The Complaint in the above captioned case was received by the Clerk of Court on February 2, 2011, along with a Motion for Leave to Proceed *In Forma Pauperis*. That motion was granted and the case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 15), filed on February 21, 2012, recommended that the Motion to Dismiss filed by Defendant Carol A. Newman (ECF No. 9) be granted and the Complaint be dismissed with prejudice. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. On February 28, 2012, Plaintiff filed a motion for an extension of time (ECF No. 16) until April 24, 2012 to file objections to the Report and Recommendation "[b]ased upon the complexities and number of issues involved[.]"

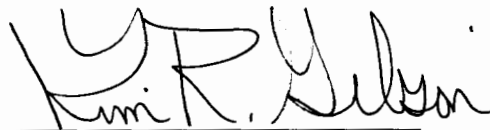
The magistrate judge granted in part and denied in part Plaintiff's motion for an extension of time. See Text Order dated 2/29/12. Finding that the motion to dismiss involved a single, non-complex issue, the magistrate judge granted Plaintiff an extension until March 21, 2012 to file any objections. *Id.* Plaintiff has not filed any objections as of the date of this Order.

Therefore, after a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 28th day of March, 2012,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant Carol A. Newman (ECF No. 9) is **GRANTED** and Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 15) of Chief Magistrate Judge Lenihan, dated February 21, 2012, is adopted as the opinion of the Court.



Kim R. Gibson
United States District Judge

cc: WAYNE PAUL BURKETT
328 Smith Trail
Martinsburg, PA 16662
PRO SE
Via First Class U.S. Mail

All Counsel of Record
Via Electronic Mail